

benchmarks which they would meet to end the insurgency and to bring their country together politically so that the insurgency can be dampened down or ended.

Now we are told by Secretary of State Condoleezza Rice that it would be wrong to hold the Iraqi Government, the Malaki government, to those benchmarks because it would take away their flexibility, while President Bush said that if they did not meet these benchmarks in January, they would lose the confidence of the American people.

President Bush had it right. They haven't met the benchmarks. They are not holding up their end of the bargain. The Parliament is not meeting. A third of them are living in London, not in Iraq, and they have lost the confidence of the American people.

How is it that the Secretary of State and the President of the United States can continue to believe that we should continue to send American soldiers to die in Iraq when the Iraqi Government won't meet the benchmarks which were supposed to be the bedrock of this new policy, this new direction, that has turned out to be the same old stay-the-course policy where American soldiers die and the Iraqi Government dithers away day in and day out and not meeting the new policies to bring a unified Iraq together?

It is unacceptable to the American people. It is unacceptable to our soldiers. It is unacceptable to their families. And we ought to end this policy now.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

#### STUDENT LOAN SUNSHINE ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 890

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Sunshine Act".

#### SEC. 2. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

#### "PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

##### "SEC. 151. DEFINITIONS.

"In this part:

"(1) COVERED INSTITUTION.—The term 'covered institution'—

"(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

"(B) includes an agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly associated with such institution) or employee of such institution.

"(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

"(A) any loan made, insured, or guaranteed under title IV; or

"(B) a private educational loan (as defined in paragraph (6)).

"(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement' means an arrangement or agreement between a lender and a covered institution—

"(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

"(B) which arrangement or agreement relates to the covered institution recommending, promoting, endorsing, or using the educational loan product of the lender.

"(4) LENDER.—

"(A) IN GENERAL.—The term 'lender'—

"(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

"(ii) includes an agent of a lender.

"(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling' and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(5) OFFICER.—The term 'officer' includes a director or trustee of an institution.

"(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

"(A) is not made, insured, or guaranteed under title IV; and

"(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

"(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

#### "SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

"(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender that participates in one or more preferred lender arrangements shall annually certify to the Secretary that all of the preferred lender arrangements in which it participates is in compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

"(b) PROVISION OF LOAN INFORMATION.—A lender may not provide a private educational loan to a student attending a covered insti-

tution with which the lender has a preferred lender arrangement, or the parent of such student, until the covered institution has informed the student or parent of their remaining options for borrowing under title IV, including information on any terms and conditions of available loans under such title that are more favorable to the borrower.

"(c) USE OF INSTITUTION NAME.—

"(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not allow the lender to use the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

"(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the Student Loan Sunshine Act.

#### "SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

"(a) DUTIES OF THE SECRETARY.—

"(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Student Loan Sunshine Act, the Secretary shall—

"(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

"(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

"(i) will be easy for students and parents to read and understand;

"(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

"(iii) will provide students and parents with the relevant information about the terms and conditions for both Federal and private educational loans;

"(iv) is based on the report's findings and developed in consultation with—

"(I) students;

"(II) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

"(III) lenders;

"(IV) loan servicers;

"(V) guaranty agencies; and

"(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

"(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

"(I) the interest rate of the loan;

"(II) any fees associated with the loan;

"(III) the repayment terms available on the loan;

"(IV) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

"(V) any additional terms and conditions applied to the loan, including any benefits